

THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION

_____)	
In re FEDEX GROUND PACKAGE)	Cause No. 3:05-MD-527 RM
SYSTEM, INC., EMPLOYMENT)	(MDL-1700)
PRACTICES LITIGATION)	
-----)	
THIS DOCUMENT RELATES TO:)	
)	
<i>Genaro Vargas, et al. v. FedEx</i>)	
<i>Ground Package System, Inc. et al.</i>)	
)	
Cause No. 3-07-CV-325 RM (MA))	
_____)	

OPINION and ORDER

On February 20, 2008, Magistrate Judge Nuechterlein entered an order granting the *Vargas* plaintiffs' motion to strike the state law variations appendix provided by FedEx Ground in connection with its opposition to the *Vargas* motion for class certification [Doc. No. 1094]. On March 25, the court entered an order ruling on the motions in Waves 2 and 3 of class certification briefing. FedEx Ground now moves the court to reconsider the Magistrate Judge's order striking the state law variations appendix pursuant to Federal Rule of Civil Procedure 72(a) and asks the court to consider the appendix in determining whether common issues of law predominate in the *Vargas* multi-state action.

While the importance of close analysis of the laws of individual states wasn't at the forefront at the time of the Magistrate Judge's ruling, it is now. Accordingly, the court may either deny reconsideration of the Magistrate's order and invite additional briefing on the issue of state law variations or grant the motion and

simply allow the previously stricken appendix to stand. To avoid further delay, the court chooses the latter route, GRANTS the motion for reconsideration [Doc. No. 1103], and AFFORDS the plaintiffs the opportunity for a response of up to 50 pages, with no reply to be allowed.

SO ORDERED.

Entered: November 12, 2008

/s/ Robert L. Miller, Jr.
Chief Judge
United States District Court